

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

DANIEL SPANO, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

V&J NATIONAL ENTERPRISES, LLC,  
V&J UNITED ENTERPRISES, LLC and  
V&J HOLDING COMPANIES, INC.,

Defendants.

**NOTICE OF MOTION**

Case No. 16-cv-06419-EAW-MWP

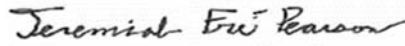
**PLEASE TAKE NOTICE** that, upon all the prior pleadings and proceedings had herein and the accompanying Memorandum of Law, the Plaintiff Daniel Spano, individually and on behalf of all others similarly situated, and by and through his undersigned attorneys, Finkelstein, Blankinship, Frei-Pearson & Garber, LLP (“FBFG”), will bring a motion before this Court, on a date and time which will be provided by the Court later, respectfully moving this Court (i) for partial reconsideration of the August 30, 2017 Decision and Order and (ii) for an order that the class action waiver purportedly executed by Plaintiff is invalid and unenforceable.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 7(a)(1), Plaintiff intends to file and serve reply papers to any opposition filed and served by Defendants and, unless a different schedule is ordered by the Court, will do so within seven (7) days after service of papers responsive to this motion.

Date: September 27, 2017

Respectfully submitted,

By:



Jeremiah Frei-Pearson  
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*Attorney for Plaintiff  
and the Putative Class*